

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

WARNER BROS. RECORDS INC., et al.,

Plaintiffs,

v.

CIV. No.08-490 BB/ACT

EDWARD SAIENNI,

Defendant.

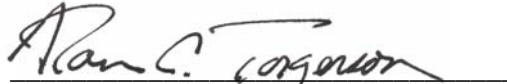
ORDER

THIS MATTER comes before the Court on the Plaintiff Warner Bros. Records, Inc.’s Motion to Compel Discovery filed on September 21, 2010. [Doc. 21.] Plaintiff’s Motion to Compel is based on interrogatories submitted to Defendant Edward Saienni after the Honorable Bruce Black entered a default judgment against the Defendant Saienni. [*Id.* at Ex. A; Doc. 9, Doc. 15 and Doc. 17.] Plaintiff’s discovery is therefore discovery in aid of collection. *See* Fed.R.Civ.P. 69; Fed.R.Civ.P. 26(b)(1). “A judgment creditor is entitled to the identity and location of any of the judgment debtor’s assets, wherever located.” *Rosann Williams et al. V. W.D. Sports N.M., Inc. et al.*, No. Civ. 03-1195 WPJ/ACT , Aug. 4, 2005 (Doc. 328), *quoting* *National Service Industries, Inc. v. Vafla Corp.*, 694 F.2d 246 (11th Cir. 1982).

Defendant Saienni has not filed a Response. A party’s failure “to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion.” D.N.M.LR-Civ. 7.1(b).

IT IS THEREFORE ORDERED THAT Plaintiff Warner Bros. Records, Inc. Motion to Compel Discovery [Doc. 21] is GRANTED. Mr. Saienni will answer the interrogatories within twenty (20) days of this Order.

IT IS FURTHER ORDERED THAT Mr. Saienni will pay Plaintiff Warner Bros. Records, Inc. attorney fees in the amount of \$250.00 within twenty (20) days of this Order.

A handwritten signature in black ink, appearing to read "Alan C. Torgerson", is written over a horizontal line.

ALAN C. TORGERSON
United States Magistrate Judge